

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

## ORDER

Plaintiff, sought judicial review of the final decision of the Commissioner of Social Security denying his application for disability insurance benefits. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate, pursuant to 28 U.S.C. § 636, recommending that Defendant's Motion for Summary Judgment be granted, Plaintiff's Motion for Summary Judgment be denied, and that judgment be entered affirming the decision of the Commissioner. No party has filed an objection to this recommendation within the requisite time period. Local Rule 72.1(E)(4).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's Motion for Summary

Judgment is **DENIED** (doc. # 7); Defendant's Motion for Summary Judgment is **GRANTED** (doc. # 9). **IT IS ORDERED THAT** the decision of the Commissioner is affirmed and plaintiff's cause of action be dismissed with prejudice.

**IT IS SO ORDERED.**

Dated this 29th day of September, 2006

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*/s/ Ralph R. Erickson*  
Ralph R. Erickson, District Judge  
United States District Court